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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,312	03/30/2004	Tapas Kumar Nayak	MS306237.1/MSFTP599US	3625

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2167

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,312

Applicant(s)

NAYAK ET AL.

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-22,24-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 1,3-8,14-22,24-38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the applicants' communication received on May 7, 2007.
2. Claims 1, 3-22, 24-38, and 40 are presented for examination.
3. The applicants have amended claim 1 and have cancelled claims 2, 23, and 39.
4. Applicants' arguments with respect to claims 1, 3-22, 24-38, and 40 have been considered but are deemed to be moot in view of the new grounds of rejection.

Allowable Subject Matter

5. Claims 9-13 are allowed. The previously indicated allowance of claims 14-22, 24-38, and 40 is hereby withdrawn because of the rejections presented in the office action below.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1, 14, 26, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14, 22, 26, and 32 respectively recite "relevant score algorithm" and "ranking algorithm". The claims do not comprise a detailed description of how this

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algorithm is used nor is there information in the claims to convey what and how the (1) ranking and (2) relevance is used in combination with an algorithm.

The Specification is not clear about the use of these algorithms. In the Specification, at ¶0035, it states, "The query processing system 220 accepts queries and returns results based in part upon one or more indexes generated by the index system 210 and a relevance algorithm." At ¶0046, it states, "The scoring function 850 provides a default relevance algorithm or a customized developer algorithm for a specific domain." The descriptions of ranking and relevance algorithms were taken from the published document, Publication No. 20050222975.

The Examiner kindly requests that the applicants consider adding a "wherein" phrase after (1) relevant score algorithm and (2) ranking algorithm. The proposed "wherein" phrase could include information to explain what and how (1) relevant score algorithm and (2) ranking algorithm are used in combination with the other claim limitations.

The remaining claims are dependent claims, thus these claims are also rejected for being dependent on the above rejected base claims.

8. Claim 5 recites the limitation "database management" in line 1 of dependent claim 5. Claim 5 is dependent on independent claim 1. Claim 1 does not make reference to a database management system.

Claim 17 recites the limitation "an optimizer component" in line 1 of dependent claim 17. Claims 18-21 recites the limitation "expander component" in line 1 of dependent claims 18-21. Claim 17 depends from dependent claim 16, dependent

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claim 16 depends from independent claim 14. Claim 18 depends from claim 17, claim 19 depends from claim 18, claim 20 depends from claim 19, and claim 21 depends from claim 20. Claim 14 being the independent claim does not make reference to either "an optimizer component" or "expander component".

Claim 37 recites the limitation "developer specified components" in line 1 of dependent claim 37. Claim 37 is dependent on claim 36 which depends from claim 35, which further depends from independent claim 32. Claim 32 does not make reference to "developer specified components" nor does claims 35 and 36.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 25, 31, and 40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As follows:

Claims 25, 31, and 40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 25, 31, and 40 collectively are directed to a computer readable storage device having stored thereon computer executable instructions executed by a storage device for carrying out the method of claim 22, 26, and 32.

The claimed inventions, as a whole must accomplish a **practical application**. That is, it must produce a **"useful, concrete, and tangible result."** *State Street*, 149

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F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106. In each of these cases the **result** is mapping and connecting categories. The claimed limitations are an abstraction as they are not **useful, concrete, and tangible**, they are not put in any tangible form and not useful because they are not presented in a way to provide some result that is of utility that may exist in the specification however no specific use is provided for in the claimed invention. Thus the claims are non-statutory and stand rejected under 101 as not producing a **“useful, concrete, and tangible result.”**

Although, these claims are dependent claims. These claims are non-statutory because they comprise a computer readable storage device having stored thereon computer executable instructions executed by a storage device, while their dependency depends on independent claims that are claiming a method or methodology.

It is recommended that the applicants place these claims in independent form, in an effort to claim and rely on a computer readable storage device having stored thereon computer executable instructions executed by a storage device.

Thus, the remaining dependent claims not mentioned in the above rejections are also rejected for being dependent upon the above recited independent claims, these claims are also rejected for the reasons set forth above.

NAME OF CONTACT

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/
Patent Examiner, A.U. 2167
July 19, 2007